

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE
PATENTING REJECTION OVER A "PRIOR" PATENT**

In re Application of: Chung Shih, et al. Docket No.: 68936.001093
 Application Number: 68936.001093 Art Unit: 1618
 Filed: December 11, 2003 Examiner: Blessing M. Fubara
 Title: **BIODEGRADABLE TRIBLOCK COPOLYMERS AS SOLUBILIZING AGENTS
FOR DRUGS AND METHOD OF USE THEREOF**
 Owner Of Record: **PROTHERICS SALT LAKE CITY, INC. recorded at Reel 018746, Frame 0434**

The owner*, PROTHERICS SALT LAKE CITY, INC.
 of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior U.S. Patent No. 6,592,899 issued on July 15, 2003.

as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

(1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid by a court of competent jurisdiction; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321; (5) has all claims canceled by a reexamination certificate; (6) is reissued; or (7) is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ **The undersigned is an attorney or agent of record.** Reg. No. 54,833
 3. ☒ **The Commissioner is hereby authorized to charge the required terminal disclaimer fee under 37 C.F.R. §1.20(d) of \$130.00 to Deposit Account No. 50-0206.**

PTO suggested wording for terminal disclaimer was

- ☒ **unchanged** ☐ **changed (if changed, an explanation should be supplied).**

February 6, 2008

Date

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